

104TH CONGRESS  
1ST SESSION

# H. R. 2684

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 1995

Mr. BUNNING of Kentucky (for himself, Mr. HASTERT, Mr. ARCHER, Mr. JACOBS, Mr. SAM JOHNSON of Texas, Mr. COLLINS of Georgia, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, Mr. LAUGHLIN, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. HANCOCK, Mr. CAMP, Mr. RAMSTAD, Mr. ZIMMER, Mr. NUSSLE, Ms. DUNN of Washington, Mr. ENSIGN, Mr. MCCOLLUM, Mr. MCINTOSH, Mr. KNOLLENBERG, Mr. GOSS, Mrs. SMITH of Washington, Mr. MCDADE, Mr. EMERSON, Mr. FRELINGHUYSEN, Mr. BUNN of Oregon, Mr. CHABOT, Mr. KOLBE, Mr. BALLENGER, Mr. BACHUS, Mr. SOLOMON, Mr. CUNNINGHAM, Mr. LATOURETTE, Mr. METCALF, Mr. CALVERT, Mr. FUNDERBURK, Mr. LEWIS of Kentucky, Mr. BURTON of Indiana, Mr. GUNDERSON, Mr. BLUTE, Mr. MYERS of Indiana, Mr. GALLEGLY, Mr. HEINEMAN, Mr. COBLE, Mr. FOLEY, Mr. BARTLETT of Maryland, Mrs. FOWLER, Mr. HANSEN, Mr. SAXTON, Mr. BOEHNER, Mr. FIELDS of Texas, Mr. STEARNS, Mr. BEREUTER, Mr. BARTON of Texas, Mr. BLILEY, Mr. HAYWORTH, Mr. COOLEY, Mr. BASS, Mrs. KELLY, Mr. LARGENT, Mr. INGLIS of South Carolina, Mr. EWING, Mr. LUCAS, Mr. SCHAEFER, Mr. TORKILDSSEN, Mr. MILLER of Florida, Mr. FOX of Pennsylvania, Mr. BOEHLERT, Mr. CLINGER, Mr. GREENWOOD, Mr. NETHERCUTT, Mr. STUMP, Mr. JONES, Mr. FRISA, Mrs. MORELLA, Mr. NORWOOD, Mr. TALENT, Mr. WELDON of Pennsylvania, Mr. EHRLICH, Mr. ROYCE, Mr. SALMON, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, Mr. DORNAN, Mr. HOSTETTLER, Mr. BUYER, Mr. ROBERTS, Mr. SHAYS, Mr. UPTON, and Mr. CLEMENT) introduced the following bill; which was referred to the Committee on Ways and Means

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# A BILL

To amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the social security earnings limit for individuals who have attained retirement age, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

## 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Citizens’ Right  
5 to Work Act of 1995”.

## 6 **SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR** 7 **PURPOSES OF THE SOCIAL SECURITY EARN-** 8 **INGS LIMIT.**

9 (a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR  
10 INDIVIDUALS WHO HAVE ATTAINED RETIREMENT  
11 AGE.—Section 203(f)(8)(D) of the Social Security Act (42  
12 U.S.C. 403(f)(8)(D)) is amended to read as follows:

13 “(D) Notwithstanding any other provision of  
14 this subsection, the exempt amount which is applica-  
15 ble to an individual who has attained retirement age  
16 (as defined in section 216(l)) before the close of the  
17 taxable year involved shall be—

18 “(i) for each month of any taxable year  
19 ending after 1995 and before 1997,  
20 \$1,166.66<sup>2</sup>/<sub>3</sub>,

1 “(ii) for each month of any taxable year  
2 ending after 1996 and before 1998, \$1,250.00,

3 “(iii) for each month of any taxable year  
4 ending after 1997 and before 1999,  
5 \$1,333.33 $\frac{1}{3}$ ,

6 “(iv) for each month of any taxable year  
7 ending after 1998 and before 2000,  
8 \$1,416.66 $\frac{2}{3}$ ,

9 “(v) for each month of any taxable year  
10 ending after 1999 and before 2001, \$1,500.00,

11 “(vi) for each month of any taxable year  
12 ending after 2000 and before 2002,  
13 \$2,083.33 $\frac{1}{3}$ , and

14 “(vii) for each month of any taxable year  
15 ending after 2001 and before 2003,  
16 \$2,500.00.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) Section 203(f)(8)(B)(ii) of such Act (42  
19 U.S.C. 403(f)(8)(B)(ii)) is amended—

20 (A) by striking “the taxable year ending  
21 after 1993 and before 1995” and inserting “the  
22 taxable year ending after 2001 and before 2003  
23 (with respect to individuals described in sub-  
24 paragraph (D)) or the taxable year ending after

1 1993 and before 1995 (with respect to other in-  
 2 dividuals)”; and

3 (B) in subclause (II), by striking “for  
 4 1992” and inserting “for 2000 (with respect to  
 5 individuals described in subparagraph (D)) or  
 6 1992 (with respect to other individuals)”.

7 (2) The second sentence of section 223(d)(4)(A)  
 8 of such Act (42 U.S.C. 423(d)(4)(A)) is amended by  
 9 striking “the exempt amount under section 203(f)(8)  
 10 which is applicable to individuals described in sub-  
 11 paragraph (D) thereof” and inserting the following:  
 12 “an amount equal to the exempt amount which  
 13 would be applicable under section 203(f)(8), to indi-  
 14 viduals described in subparagraph (D) thereof, if  
 15 section 2 of the Senior Citizens’ Right to Work Act  
 16 of 1995 had not been enacted”.

17 (c) EFFECTIVE DATE.—The amendments made by  
 18 this section shall apply with respect to taxable years end-  
 19 ing after 1995.

20 **SEC. 3. ESTABLISHMENT OF DISABILITY INSURANCE CON-**  
 21 **TINUING DISABILITY REVIEW ADMINISTRA-**  
 22 **TION REVOLVING ACCOUNT.**

23 (a) CONTINUING DISABILITY REVIEW ADMINISTRA-  
 24 TION REVOLVING ACCOUNT FOR TITLE II DISABILITY

1 BENEFITS IN THE FEDERAL DISABILITY INSURANCE  
2 TRUST FUND.—

3 (1) IN GENERAL.—Section 201 of the Social  
4 Security Act (42 U.S.C. 401) is amended by adding  
5 at the end the following new subsection:

6 “(n)(1) There is hereby created in the Federal Dis-  
7 ability Insurance Trust Fund a Continuing Disability Re-  
8 view Administration Revolving Account (hereinafter in  
9 this subsection referred to as the ‘Account’). The Account  
10 shall consist initially of \$300,000,000 (which is hereby  
11 transferred to the Account from amounts otherwise avail-  
12 able in such Trust Fund) and shall also consist thereafter  
13 of such other amounts as may be transferred to it under  
14 this subsection. The balance in the Account shall be avail-  
15 able solely for expenditures certified under paragraph (2).

16 “(2)(A) Before October 1 of each calendar year, the  
17 Chief Actuary of the Social Security Administration  
18 shall—

19 “(i) estimate the present value of savings to the  
20 Federal Old-Age and Survivors Insurance Trust  
21 Fund, the Federal Disability Insurance Trust Fund,  
22 the Federal Hospital Insurance Trust Fund, and the  
23 Federal Supplementary Medical Insurance Trust  
24 Fund which will accrue for all years as a result of  
25 cessations of benefit payments resulting from con-

1 continuing disability reviews carried out pursuant to the  
2 requirements of section 221(i) during the fiscal year  
3 ending on September 30 of such calendar year (in-  
4 creased or decreased as appropriate to account for  
5 deviations of estimates for prior fiscal years from  
6 the actual amounts for such fiscal years), and

7 “(ii) certify the amount of such estimate to the  
8 Managing Trustee.

9 “(B) Upon receipt of certification by the Chief Actu-  
10 ary under subparagraph (A), the Managing Trustee shall  
11 transfer to the Account from amounts otherwise in the  
12 Trust Fund an amount equal to the estimated savings so  
13 certified.

14 “(C) To the extent of available funds in the Account,  
15 upon certification by the Chief Actuary that such funds  
16 are currently required to meet expenditures necessary to  
17 provide for continuing disability reviews required under  
18 section 221(i), the Managing Trustee shall make available  
19 to the Commissioner of Social Security from the Account  
20 the amount so certified.

21 “(D) The expenditures referred to in subparagraph  
22 (C) shall include, but not be limited to, the cost of staffing,  
23 training, purchase of medical and other evidence, and  
24 processing related to appeals (including appeal hearings)  
25 and to overpayments and related indirect costs.

1 “(E) The Commissioner shall use funds made avail-  
 2 able pursuant to this paragraph solely for the purposes  
 3 described in subparagraph (C).”.

4 (2) CONFORMING AMENDMENT.—Section  
 5 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A))  
 6 is amended in the last sentence by inserting “(other  
 7 than expenditures from available funds in the Con-  
 8 tinuing Disability Review Administration Revolving  
 9 Account in the Federal Disability Insurance Trust  
 10 Fund made pursuant to subsection (n))” after “is  
 11 responsible” the first place it appears.

12 (3) ANNUAL REPORT.—Section 221(i)(3) of  
 13 such Act (42 U.S.C. 421(i)(3)) is amended—

14 (A) by striking “and the number” and in-  
 15 serting “the number”;

16 (B) by striking the period at the end and  
 17 inserting a comma; and

18 (C) by adding at the end the following:  
 19 “and a final accounting of amounts transferred  
 20 to the Continuing Disability Review Adminis-  
 21 tration Revolving Account in the Federal Dis-  
 22 ability Insurance Trust Fund during the year,  
 23 the amount made available from such Account  
 24 during such year pursuant to certifications  
 25 made by the Chief Actuary of the Social Secu-

1           rity Administration under section 201(n)(2)(C),  
 2           and expenditures made by the Commissioner of  
 3           Social Security for the purposes described in  
 4           section 201(n)(2)(C) during the year, including  
 5           a comparison of the number of continuing dis-  
 6           ability reviews conducted during the year with  
 7           the estimated number of continuing disability  
 8           reviews upon which the estimate of such ex-  
 9           penditures was made under section  
 10          201(n)(2)(A).”.

11       (b) EFFECTIVE DATE AND SUNSET.—

12           (1) EFFECTIVE DATE.—The amendments made  
 13       by subsection (a) shall apply for fiscal years begin-  
 14       ning on or after October 1, 1995, and ending on or  
 15       before September 30, 2002.

16           (2) SUNSET.—Effective October 1, 2002, the  
 17       Continuing Disability Review Administration Revolv-  
 18       ing Account in the Federal Disability Insurance  
 19       Trust Fund shall cease to exist, any balance in such  
 20       Account shall revert to funds otherwise available in  
 21       such Trust Fund, and sections 201 and 221 of the  
 22       Social Security Act shall read as if the amendments  
 23       made by subsection (a) had not been enacted.

24       (c) OFFICE OF CHIEF ACTUARY IN THE SOCIAL SE-  
 25       CURITY ADMINISTRATION.—

1           (1) IN GENERAL.—Section 702 of such Act (42  
2       U.S.C. 902) is amended—

3           (A) by redesignating subsections (c) and  
4           (d) as subsections (d) and (e), respectively; and

5           (B) by inserting after subsection (b) the  
6       following new subsection:

7                       “Chief Actuary

8       “(c)(1) There shall be in the Administration a Chief  
9       Actuary, who shall be appointed by, and in direct line of  
10      authority to, the Commissioner. The Chief Actuary shall  
11      be appointed from individuals who have demonstrated, by  
12      their education and experience, superior expertise in the  
13      actuarial sciences. The Chief Actuary shall serve as the  
14      chief actuarial officer of the Administration, and shall ex-  
15      ercise such duties as are appropriate for the office of the  
16      Chief Actuary and in accordance with professional stand-  
17      ards of actuarial independence. The Chief Actuary may  
18      be removed only for cause.

19       “(2) The Chief Actuary shall be compensated at the  
20      highest rate of basic pay for the Senior Executive Service  
21      under section 5382(b) of title 5, United States Code.”.

22           (2) EFFECTIVE DATE OF SUBSECTION.—The  
23      amendments made by this subsection shall take ef-  
24      fect on the date of the enactment of this Act.

1 **SEC. 4. ENTITLEMENT OF STEPCHILDREN TO CHILD'S IN-**  
2 **SURANCE BENEFITS BASED ON ACTUAL DE-**  
3 **PENDENCY ON STEPPARENT SUPPORT.**

4 (a) REQUIREMENT OF ACTUAL DEPENDENCY FOR  
5 FUTURE ENTITLEMENTS.—

6 (1) IN GENERAL.—Section 202(d)(4) of the So-  
7 cial Security Act (42 U.S.C. 402(d)(4)) is amended  
8 by striking “was living with or”.

9 (2) EFFECTIVE DATE.—The amendment made  
10 by paragraph (1) shall apply with respect to benefits  
11 of individuals who become entitled to such benefits  
12 for months after the third month following the  
13 month in which this Act is enacted.

14 (b) TERMINATION OF CHILD'S INSURANCE BENE-  
15 FITS BASED ON WORK RECORD OF STEPPARENT UPON  
16 NATURAL PARENT'S DIVORCE FROM STEPPARENT.—

17 (1) IN GENERAL.—Section 202(d)(1) of the So-  
18 cial Security Act (42 U.S.C. 402(d)(1)) is amend-  
19 ed—

20 (A) by striking “or” at the end of clause  
21 (F);

22 (B) by striking the period at the end of  
23 clause (G) and inserting “; or”; and

24 (C) by inserting after clause (G) the fol-  
25 lowing new clause:

1           “(H) if the benefits under this subsection are  
 2           based on the wages and self-employment income of  
 3           a stepparent who is subsequently divorced from such  
 4           child’s natural parent, the sixth month after the  
 5           month in which the Commissioner of Social Security  
 6           receives formal notification of such divorce.”.

7           (2) EFFECTIVE DATE.—The amendments made  
 8           by this subsection shall apply with respect to notifi-  
 9           cations of divorces received by the Commissioner of  
 10          Social Security on or after the date of the enactment  
 11          of this Act.

12 **SEC. 5. RECOMPUTATION OF BENEFITS AFTER NORMAL**  
 13 **RETIREMENT AGE.**

14          (a) IN GENERAL.—Section 215(f)(2)(D)(i) of the So-  
 15          cial Security Act (42 U.S.C. 415(f)(2)(D)(i)) is amended  
 16          to read as follows:

17               “(i) in the case of an individual who did not die  
 18               in the year with respect to which the recomputation  
 19               is made, for monthly benefits beginning with bene-  
 20               fits for January of—

21               “(I) the second year following the year  
 22               with respect to which the recomputation is  
 23               made, in any such case in which the individual  
 24               has attained retirement age (as defined in sec-  
 25               tion 216(l)) as of the end of the year preceding

1 the year with respect to which the recomputa-  
2 tion is made and the year with respect to which  
3 the recomputation is made would not be sub-  
4 stituted in recomputation under this subsection  
5 for a benefit computation year in which no  
6 wages or self-employment income have been  
7 credited previously to such individual, or

8 “(II) the first year following the year with  
9 respect to which the recomputation is made, in  
10 any other such case; or”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 215(f)(7) of such Act (42 U.S.C.  
13 415(f)(7)) is amended by inserting “, and as  
14 amended by section 5(b)(2) of the Senior Citizens’  
15 Right to Work Act of 1995,” after “This subsection  
16 as in effect in December 1978”.

17 (2) Subparagraph (A) of section 215(f)(2) of  
18 the Social Security Act as in effect in December  
19 1978 and applied in certain cases under the provi-  
20 sions of such Act as in effect after December 1978  
21 is amended—

22 (A) by striking “in the case of an individ-  
23 ual who did not die” and all that follows and  
24 inserting “in the case of an individual who did  
25 not die in the year with respect to which the re-

1 computation is made, for monthly benefits be-  
2 ginning with benefits for January of—”; and

3 (B) by adding at the end the following:

4 “(i) the second year following the year with  
5 respect to which the recomputation is made, in  
6 any such case in which the individual has at-  
7 tained age 65 as of the end of the year preced-  
8 ing the year with respect to which the recom-  
9 putation is made and the year with respect to  
10 which the recomputation is made would not be  
11 substituted in recomputation under this sub-  
12 section for a benefit computation year in which  
13 no wages or self-employment income have been  
14 credited previously to such individual, or

15 “(ii) the first year following the year with  
16 respect to which the recomputation is made, in  
17 any other such case; or”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall apply with respect to recomputations of  
20 primary insurance amounts based on wages paid and self  
21 employment income derived after 1994 and with respect  
22 to benefits payable after December 31, 1995.

1 **SEC. 6. ELIMINATION OF THE ROLE OF THE SOCIAL SECU-**  
2 **RITY ADMINISTRATION IN PROCESSING AT-**  
3 **TORNEY FEES.**

4 (a) ACTIONS BEFORE THE COMMISSIONER.—Section  
5 206(a) of the Social Security Act (42 U.S.C. 406(a)) is  
6 amended—

7 (1) in paragraph (1), by striking the fourth and  
8 fifth sentences;

9 (2) by striking paragraphs (2), (3), and (4);

10 (3) by inserting after paragraph (1) the follow-  
11 ing new paragraph:

12 “(2)(A) No person, agent, or attorney may charge in  
13 excess of \$4,000 (or, if higher, the amount set pursuant  
14 to subparagraph (B)) for services performed in connection  
15 with any claim before the Commissioner under this title,  
16 or for services performed in connection with concurrent  
17 claims before the Commissioner under this title and title  
18 XVI.

19 “(B) The Commissioner may increase the dollar  
20 amount under subparagraph (A) whenever the Commis-  
21 sioner determines that such an increase is warranted. The  
22 Commissioner shall publish any such increased amount in  
23 the Federal Register.

24 “(C) Any agreement in violation of this paragraph  
25 shall be void.

1       “(D) Whenever the Commissioner makes a favorable  
2 determination in connection with any claim for benefits  
3 under this title by a claimant who is represented by a per-  
4 son, agent, or attorney, the Commissioner shall provide  
5 the claimant and such person, agent, or attorney a written  
6 notice of—

7               “(i) the determination,

8               “(ii) the dollar amount of any benefits payable  
9 to the claimant, and

10              “(iii) the maximum amount under paragraph  
11 (2) that may be charged for services performed in  
12 connection with such claim.”; and

13              (4) by redesignating paragraph (5) as para-  
14 graph (3).

15       (b) JUDICIAL PROCEEDINGS.—Section 206(b)(1) of  
16 such Act (42 U.S.C. 406(b)(1)) is amended—

17              (1) in the first sentence of subparagraph (A),  
18 by striking “representation,” and all that follows  
19 and inserting the following: “representation. In de-  
20 termining a reasonable fee, the court shall take into  
21 consideration the amount of the fee, if any, that  
22 such attorney, or any other person, agent, or attor-  
23 ney, may charge the claimant for services performed  
24 in connection with the claimant’s claim when it was  
25 pending before the Commissioner.”;

1           (2) in the second sentence of subparagraph (A),  
2       by striking “or certified for payment”;  
3           (3) by striking subparagraph (B); and  
4           (4) by striking “(b)(1)(A)” and inserting  
5       “(b)(1)”.

6       (c) CONFORMING AMENDMENTS.—

7           (1) Section 223(h)(3) of such Act (42 U.S.C.  
8       423(h)(3)) is amended by striking all that follows  
9       “obtained)” and inserting a period.

10          (2) Section 1127(a) of such Act (42 U.S.C.  
11       1320a–6(a)) is amended by striking the last sen-  
12       tence.

13          (3) Section 1631(d)(2)(A) of such Act (42  
14       U.S.C. 1383(d)(2)(A)) is amended—

15               (A) by striking “(other than paragraph (4)  
16       thereof)”;

17               (B) by striking all that follows “title II”  
18       and inserting a period.

19       (d) EFFECTIVE DATE.—The amendments made by  
20       this section shall apply with respect to—

21           (1) any claim for benefits under the old-age,  
22       survivors, and disability insurance program under  
23       title II of the Social Security Act, the supplemental  
24       security income program under title XVI of such  
25       Act, or the black lung program under part B of the

1 Black Lung Benefits Act that is initially filed on or  
 2 after the 60th day following the date of the enact-  
 3 ment of this Act, and

4 (2) any claim for such benefits filed before such  
 5 60th day by a claimant who is first represented by  
 6 any person, agent, or attorney in connection with  
 7 such claim on or after such 60th day.

8 **SEC. 7. DENIAL OF DISABILITY BENEFITS TO DRUG AD-**  
 9 **ICTS AND ALCOHOLICS.**

10 (a) AMENDMENTS RELATING TO TITLE II DISABIL-  
 11 ITY BENEFITS.—

12 (1) IN GENERAL.—Section 223(d)(2) of the So-  
 13 cial Security Act (42 U.S.C. 423(d)(2)) is amended  
 14 by adding at the end the following:

15 “(C) An individual shall not be considered to be  
 16 disabled for purposes of this title if alcoholism or  
 17 drug addiction would (but for this subparagraph) be  
 18 a contributing factor material to the Commissioner’s  
 19 determination that the individual is disabled.”.

20 (2) REPRESENTATIVE PAYEE REQUIRE-  
 21 MENTS.—

22 (A) Section 205(j)(1)(B) of such Act (42  
 23 U.S.C. 405(j)(1)(B)) is amended to read as fol-  
 24 lows:

1       “(B) In the case of an individual entitled to benefits  
 2 based on disability, the payment of such benefits shall be  
 3 made to a representative payee if the Commissioner of So-  
 4 cial Security determines that such payment would serve  
 5 the interest of the individual because the individual also  
 6 has an alcoholism or drug addiction condition (as deter-  
 7 mined by the Commissioner) that prevents the individual  
 8 from managing such benefits.”.

9               (B) Section 205(j)(2)(C)(v) of such Act  
 10       (42 U.S.C. 405(j)(2)(C)(v)) is amended by  
 11       striking “entitled to benefits” and all that fol-  
 12       lows through “under a disability” and inserting  
 13       “described in paragraph (1)(B)”.

14              (C) Section 205(j)(2)(D)(ii)(II) of such  
 15       Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended  
 16       by striking all that follows “15 years, or” and  
 17       inserting “described in paragraph (1)(B).”.

18              (D) Section 205(j)(4)(A)(ii)(II) (42 U.S.C.  
 19       405(j)(4)(A)(ii)(II)) is amended by striking  
 20       “entitled to benefits” and all that follows  
 21       through “under a disability” and inserting “de-  
 22       scribed in paragraph (1)(B)”.

23              (3) TREATMENT REFERRALS FOR INDIVIDUALS  
 24       WITH AN ALCOHOLISM OR DRUG ADDICTION CONDI-  
 25       TION.—Section 222 of such Act (42 U.S.C. 422) is

3 “Treatment Referrals for Individuals with an Alcoholism  
4 or Drug Addiction Condition

5 “(e) In the case of any individual whose benefits  
6 under this title are paid to a representative payee pursu-  
7 ant to section 205(j)(1)(B), the Commissioner of Social  
8 Security shall refer such individual to the appropriate  
9 State agency administering the State plan for substance  
10 abuse treatment services approved under subpart II of  
11 part B of title XIX of the Public Health Service Act (42  
12 U.S.C. 300x-21 et seq.).”.

(4) CONFORMING AMENDMENT.—Subsection (c) of section 225 of such Act (42 U.S.C. 425(c)) is repealed.

16 (5) EFFECTIVE DATES.—

(A) The amendments made by paragraphs (1) and (4) shall apply with respect to monthly insurance benefits under title II of the Social Security Act based on disability for months beginning after the date of the enactment of this Act, except that, in the case of individuals who are entitled to such benefits for the month in which this Act is enacted, such amendments shall apply only with respect to such benefits

1 for months beginning on or after January 1,  
2 1997.

3 (B) The amendments made by paragraphs  
4 (2) and (3) shall apply with respect to benefits  
5 for which applications are filed on or after the  
6 date of the enactment of this Act.

7 (C) If an individual who is entitled to  
8 monthly insurance benefits under title II of the  
9 Social Security Act based on disability for the  
10 month in which this Act is enacted and whose  
11 entitlement to such benefits would terminate by  
12 reason of the amendments made by this sub-  
13 section reapplies for benefits under title II of  
14 such Act (as amended by this Act) based on  
15 disability within 120 days after the date of the  
16 enactment of this Act, the Commissioner of So-  
17 cial Security shall, not later than January 1,  
18 1997, complete the entitlement redetermination  
19 with respect to such individual pursuant to the  
20 procedures of such title.

21 (b) AMENDMENTS RELATING TO SSI BENEFITS.—

22 (1) IN GENERAL.—Section 1614(a)(3) of the  
23 Social Security Act (42 U.S.C. 1382c(a)(3)) is  
24 amended by adding at the end the following:

1       “(I) Notwithstanding subparagraph (A), an individ-  
 2 ual shall not be considered to be disabled for purposes of  
 3 this title if alcoholism or drug addiction would (but for  
 4 this subparagraph) be a contributing factor material to  
 5 the Commissioner’s determination that the individual is  
 6 disabled.”.

7           (2)   REPRESENTATIVE   PAYEE    REQUIRE-  
 8       MENTS.—

9           (A) Section 1631(a)(2)(A)(ii)(II) of such  
 10       Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amend-  
 11       ed to read as follows:

12       “(II) In the case of an individual eligible for benefits  
 13 under this title by reason of disability, the payment of  
 14 such benefits shall be made to a representative payee if  
 15 the Commissioner of Social Security determines that such  
 16 payment would serve the interest of the individual because  
 17 the individual also has an alcoholism or drug addiction  
 18 condition (as determined by the Commissioner) that pre-  
 19 vents the individual from managing such benefits.”.

20           (B) Section 1631(a)(2)(B)(vii) of such Act  
 21       (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by  
 22       striking “eligible for benefits” and all that fol-  
 23       lows through “is disabled” and inserting “de-  
 24       scribed in subparagraph (A)(ii)(II)”.

1 (C) Section 1631(a)(2)(B)(ix)(II) of such  
 2 Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is  
 3 amended by striking all that follows “15 years,  
 4 or” and inserting “described in subparagraph  
 5 (A)(ii)(II).”.

6 (D) Section 1631(a)(2)(D)(i)(II) of such  
 7 Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amend-  
 8 ed by striking “eligible for benefits” and all  
 9 that follows through “is disabled” and inserting  
 10 “described in subparagraph (A)(ii)(II)”.

11 (3) TREATMENT SERVICES FOR INDIVIDUALS  
 12 WITH A SUBSTANCE ABUSE CONDITION.—Title XVI  
 13 of such Act (42 U.S.C. 1381 et seq.) is amended by  
 14 adding at the end the following new section:

15 “TREATMENT SERVICES FOR INDIVIDUALS WITH A  
 16 SUBSTANCE ABUSE CONDITION

17 “SEC. 1636. In the case of any individual whose bene-  
 18 fits under this title are paid to a representative payee pur-  
 19 suant to section 1631(a)(2)(A)(ii)(II), the Commissioner  
 20 of Social Security shall refer such individual to the appro-  
 21 priate State agency administering the State plan for sub-  
 22 stance abuse treatment services approved under subpart  
 23 II of part B of title XIX of the Public Health Service Act  
 24 (42 U.S.C. 300x–21 et seq.).”.

25 (4) CONFORMING AMENDMENTS.—

1           (A) Section 1611(e) of such Act (42  
2           U.S.C. 1382(e)) is amended by striking para-  
3           graph (3).

4           (B) Section 1634 of such Act (42 U.S.C.  
5           1383c) is amended by striking subsection (e).

6           (5) EFFECTIVE DATES.—

7           (A) The amendments made by paragraphs  
8           (1) and (4) shall apply with respect to supple-  
9           mental security income benefits under title XVI  
10          of the social Security Act based on disability for  
11          months beginning after the date of the enact-  
12          ment of this Act, except that, in the case of in-  
13          dividuals who are eligible for such benefits for  
14          the month in which this Act is enacted, such  
15          amendments shall apply only with respect to  
16          such benefits for months beginning on or after  
17          January 1, 1997.

18          (B) The amendments made by paragraphs  
19          (2) and (3) shall apply with respect to supple-  
20          mental security income benefits under title XVI  
21          of the Social Security Act for which applica-  
22          tions are filed on or after the date of the enact-  
23          ment of this Act.

24          (C) If an individual who is eligible for sup-  
25          plemental security income benefits under title

1 XVI of the Social Security Act for the month  
2 in which this Act is enacted and whose eligi-  
3 bility for such benefits would terminate by rea-  
4 son of the amendments made by this subsection  
5 reapplies for supplemental security income ben-  
6 efits under title XVI of such Act (as amended  
7 by this Act) within 120 days after the date of  
8 the enactment of this Act, the Commissioner of  
9 Social Security shall, not later than January 1,  
10 1997, complete the eligibility redetermination  
11 with respect to such individual pursuant to the  
12 procedures of such title.

13 (D) For purposes of this paragraph, the  
14 phrase “supplemental security income benefits  
15 under title XVI of the Social Security Act” in-  
16 cludes supplementary payments pursuant to an  
17 agreement for Federal administration under  
18 section 1616(a) of the Social Security Act and  
19 payments pursuant to an agreement entered  
20 into under section 212(b) of Public Law 93–66.

21 (c) CONFORMING AMENDMENT.—Section 201(c) of  
22 the Social Security Independence and Program Improve-  
23 ments Act of 1994 (42 U.S.C. 425 note) is repealed.

24 (d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND  
25 SUBSTANCE ABUSE TREATMENT PROGRAMS.—

1           (1) IN GENERAL.—Out of any money in the  
 2       Treasury not otherwise appropriated, there are here-  
 3       by appropriated to supplement State and Tribal pro-  
 4       grams funded under section 1933 of the Public  
 5       Health Service Act (42 U.S.C. 300x-33),  
 6       \$100,000,000 for each of the fiscal years 1997 and  
 7       1998.

8           (2) ADDITIONAL FUNDS.—Amounts appro-  
 9       priated under paragraph (1) shall be in addition to  
 10      any funds otherwise appropriated for allotments  
 11      under section 1933 of the Public Health Service Act  
 12      (42 U.S.C. 300x-33) and shall be allocated pursuant  
 13      to such section 1933.

14          (3) USE OF FUNDS.—A State or Tribal govern-  
 15      ment receiving an allotment under this subsection  
 16      shall consider as priorities, for purposes of expend-  
 17      ing funds allotted under this subsection, activities  
 18      relating to the treatment of the abuse of alcohol and  
 19      other drugs.

20   **SEC. 8. REVOCATION BY MEMBERS OF THE CLERGY OF EX-**  
 21                   **EMPTION FROM SOCIAL SECURITY COV-**  
 22                   **ERAGE.**

23          (a) IN GENERAL.—Notwithstanding section  
 24   1402(e)(4) of the Internal Revenue Code of 1986, any ex-  
 25   emption which has been received under section 1402(e)(1)

1 of such Code by a duly ordained, commissioned, or li-  
2 censed minister of a church, a member of a religious order,  
3 or a Christian Science practitioner, and which is effective  
4 for the taxable year in which this Act is enacted, may be  
5 revoked by filing an application therefor (in such form and  
6 manner, and with such official, as may be prescribed in  
7 regulations made under chapter 2 of such Code), if such  
8 application is filed no later than the due date of the Fed-  
9 eral income tax return (including any extension thereof)  
10 for the applicant's second taxable year beginning after De-  
11 cember 31, 1995. Any such revocation shall be effective  
12 (for purposes of chapter 2 of the Internal Revenue Code  
13 of 1986 and title II of the Social Security Act), as speci-  
14 fied in the application, either with respect to the appli-  
15 cant's first taxable year beginning after December 31,  
16 1995, or with respect to the applicant's second taxable  
17 year beginning after such date, and for all succeeding tax-  
18 able years; and the applicant for any such revocation may  
19 not thereafter again file application for an exemption  
20 under such section 1402(e)(1). If the application is filed  
21 after the due date of the applicant's Federal income tax  
22 return for a taxable year and is effective with respect to  
23 that taxable year, it shall include or be accompanied by  
24 payment in full of an amount equal to the total of the  
25 taxes that would have been imposed by section 1401 of

1 the Internal Revenue Code of 1986 with respect to all of  
 2 the applicant's income derived in that taxable year which  
 3 would have constituted net earnings from self-employment  
 4 for purposes of chapter 2 of such Code (notwithstanding  
 5 section 1402 (c)(4) or (c)(5) of such Code) except for the  
 6 exemption under section 1402(e)(1) of such Code.

7 (b) EFFECTIVE DATE.—Subsection (a) shall apply  
 8 with respect to service performed (to the extent specified  
 9 in such subsection) in taxable years beginning after De-  
 10 cember 31, 1995, and with respect to monthly insurance  
 11 benefits payable under title II of the Social Security Act  
 12 on the basis of the wages and self-employment income of  
 13 any individual for months in or after the calendar year  
 14 in which such individual's application for revocation (as  
 15 described in such subsection) is effective (and lump-sum  
 16 death payments payable under such title on the basis of  
 17 such wages and self-employment income in the case of  
 18 deaths occurring in or after such calendar year).

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